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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,535	08/04/2005	Takashi Ishida	2004_2019A	2534
513 7590 01/19/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER PHAM, VAN T	
			ART UNIT 2627	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,535

Applicant(s)

ISHIDA ET AL.

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 11/13/2006 have been fully considered but they are not persuasive.

Applicant's asserted "Toshiyuki fails to disclose or suggest the recording of the new recording/reproducing condition 521a in a new cluster along with information from an immediately proceeding cluster" which is found in Tokiyuki Fig. 6 and see Applicant admitted that the record/playback conditions 521a are stored from newest to oldest (see Remarks page 8, lines 4-5).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima Toshiyuki (JP 2000-322818).

Regarding claim 1, Fukushima discloses an optical disc comprising a data recording area for recording data (see Fig. 1); and a drive information area for recording drive-specific information (see Fig. 2), wherein: the drive information area comprises a plurality of clusters (see Figs. 5-7), each cluster comprises a plurality of sectors (see Figs. 1-7, and [0009]-[0012]), each sector has capacity for storing one record of drive-specific information (see Figs. 1-7), the plural records of drive-specific information are arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information

located first in a read sequence (see [0014]-[0015] and Figs. 1-7), new drive-specific information is newly recorded to a first sector in a new cluster (see Fig. 6) and information from all sectors except a last sector in an immediately preceding cluster is newly recorded to sectors following the first sector in the new cluster (see Fig. 6 and response above).

Regarding claim 3, see Figs. 1-7, discloses an optical disc as described in claim 1, wherein the drive-specific information includes at least a manufacturer identifier for identifying a manufacturer of an optical disc drive, a drive identifier of the optical disc drive, and recording/playback conditions including a required laser power level (see [0073]-[0077]).

Regarding claims 7 and 9, see rejection above of claim 1.

Regarding claim 11, an optical disc as described in claim 3, wherein the drive identifier is a serial number of the optical disc (see Fig. 6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima Toshiyuki (JP 2000-322818) in view of Yamagami et al. (US 6,256,282).

Regarding claim 4, Fukushima, see Figs. 1-7, discloses an optical disc as described in claim 1, discloses an information recording medium 101 (see Fig. 1) and read by a read beam incident thereto from the same side (see Fig. 8), wherein has a drive information area for recording drive-specific information (see Fig. 4).

Yamagami, see cols. 5-6, discloses an optical disc comprising at least a first recording layer and a second recording layer each read by a read beam incident thereto from the same side, and the area in the second recording layer at the same radial position of layer 1.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical disc comprising at least a first recording layer and a second recording layer in Fukushima as suggested by Yamagami, the motivation being in order to have larger recording capacity (see Yamagami col. 5).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Cited References

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The cited references relate to recording or reproducing method and partial erase processing method (Ando et al. US 2001/0014070).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number 571-272-7590. The examiner can normally be reached on Monday-Friday from 9:00am –5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER